

REMARKS

Summary of the Action and Reply

The Examiner in the Office Action objected to the Oath/Declaration as defective pursuant to 37 CFR 1.52 (c). In this Reply, Applicants have traversed this objection through arguments presented below showing the declaration is not defective.

The Examiner in the Office Action objected to the Drawings due to an extensive computer program listing, which had been contained in the Specification. Applicants have addressed this objection by removing the computer program listing from the Specification to an enclosed compact disc. The Drawings were also objected too as needing additional definition of numbers, lines, and letters.

Claims 1-56 were filed in the original application. The Examiner indicated on the Office Action Summary that claims 1-57 were examined, however, Applicants believe only 56 claims were filed in the application. The Examiner examined each of the originally filed claims in this Office Action, and has rejected each of the pending claims 1-56 pursuant to either 35 U.S.C. 102(e) and/or 35 U.S.C. 103(a) based upon cited prior art references. Applicants have addressed each of these rejections by swearing behind the relevant prior art references pursuant to 37 CFR 1.131. In addition, claim 1 has been amended, and new claims 57-58 have been added. Therefore, claims 1-58 remain pending in the application.

Oath/Declaration

The Examiner has stated the declaration is defective pursuant to 37 CFR 1.52(c) because of non-initialed and/or dated alterations. Applicants respectfully disagree with this determination, and submit that the filed declaration is in compliance with each of the requirements of 37 CFR 1.52(c).

Pursuant to 37 CFR 1.52(c), any alterations to the oath or declaration should be “dated and initialed or *signed by the applicant on the same sheet of paper* (emphasis added).” Each of the alterations made to the filed declaration is signed by the applicant on the same sheet of paper. Therefore, the requirements of 37 CFR 1.52(c) have been met, and the declaration is not defective.

The alterations to the declaration were made on a limited number of the individual signature pages of the declaration. Specifically, on pages 4, 7, 13, 25, 27, 32, 37, and 52, the inventors changed their personal data including either their names or addresses. In each instance, the inventor signed and dated the same sheet of paper to which the change was made. 37 CFR 1.52(c) allows for corrections to be made provided the sheet upon which the change has been made is signed and dated. Therefore, the rejection of the signed declaration is not appropriate, and should be withdrawn.

Compact Disc

The Amendments to the Specification section of this Reply amends the specification in a manner which fully addresses the objections related to the computer program listing.

Four specific amendments to the specification have been made. First, a reference to the enclosed compact disc has been inserted prior to the Background of the Invention section of the application pursuant to 37 CFR 1.77(b)(4).

Second, an amendment to the body of the specification at Page 64, first paragraph, has been made to introduce the contents of the compact disc.

Third, the text of the computer program listing has been deleted from the body of the specification.

Finally, two identical copies of the compact disc containing the computer program listing have been attached to the specification pursuant to 37 CFR 1.92(c)(2) and 37 CFR 1.52(e).

No new matter has been added to the application through any of these amendments to the specification. Applicants submit the entire specification and drawings are now in a condition for allowance, and respectfully request notice of the same.

Drawings

Form PTO-948 was attached to the Official Action and objected to the Figures. In response, please cancel Figures 57-60 and insert Replacement Figures 1, 2, 4, and 7-37. The Replacement Figures include larger reproductions in which the lines, numbers, and letters are well defined. Applicants submit the drawings are now in a condition for allowance and request notice of the same.

Affidavit Pursuant to 37 CFR 1.131

Submitted herewith are declarations pursuant to 37 CFR § 1.131 swearing behind four of the cited prior art references. The removal of the four cited references as prior art eliminates the basis for each of the claim rejections made pursuant to 35 U.S.C. §§ 102(e) and 103(a). The four references which Applicants have sworn behind include:

1. Work, U.S. Patent Application No. 2002/0059201 filed on May 9, 2000;
2. McCall et al., U.S. Patent Application No. 2002/0059228 filed on July 31, 2000;
3. Perell et al., U.S. Patent No. 6,658,400 filed on December 4, 1999; and,
4. Mikurak, U.S. Patent No. 6,606,744 filed on November 22, 1999.

Declarations pursuant to 37 CFR § 1.131 are being submitted from the assignee and from the joint inventors from whom it was possible to obtain declarations. It was impossible to obtain declarations from the remainder of the joint inventors. Joint inventor Raymond Jackson is deceased. The other joint inventors for whom no declaration is being submitted were unreachable even after extensive effort by the undersigned attorney, James P. Muraff. These efforts were conducted and coordinated by Mr. Muraff, and utilized the services of attorneys Nicholas C. Pruhs, Reg. No. 52,136, and Thomas Burton, Reg. No. 47,464. In addition, the employers of the joint inventors at the time of invention were also utilized in attempting to obtain these declarations. The employers of the inventors during the relevant period were the assignee of the present application, the Illinois Department of Employment Security, and an outside contractor, Chicago Systems Group. Both of these employers cooperated in attempting to obtain all of the declarations from the joint inventors, but these extensive efforts were only partially successful. However, pursuant to 37 CFR § 1.131 and MPEP 715.04, the declaration of the assignee in conjunction with the declarations of less than all of the joint inventors is sufficient.

By the March 19, 2004 Office Action, the Examiner rejected claims 49-51 and 53 under 35 U.S.C. § 102(e), as allegedly being anticipated by Work, U.S. Patent Application No. 2002/0059201. Additionally, claims 1-48, 52, and 54-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Work in combination with McCall et al., U.S. Patent Application No.

2002/0059228. Applicants respectfully traverse these rejections based on the cited Work and McCall et al. references.

Applicants respectfully disagree that Work anticipates, or that Work in combination with McCall et al. renders obvious, any of Applicants' claims. However, Applicants need not reach these issues because the Work reference has a priority date of May 9, 2000, and the McCall et al. reference has a priority date of July 31, 2000, both of which are after the date of invention of Applicants' patent application. Specifically, Applicants have submitted herewith, pursuant to 37 C.F.R. § 1.131, declarations of prior invention which predate these cited references.

In Applicants' § 1.131 declarations, Applicants establish completion of the claimed subject matter in this application as of a date prior to May 9, 2000. Accordingly, the patent publications from Work and McCall et al. are not prior art to this application. As such, Applicants respectfully request reconsideration of the present §§ 102(e) and 103(a) rejections which are based upon either Work or McCall et al.

The Examiner has also rejected claims 7, 18, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Perell et al., U.S. Patent No. 6,658,400, in combination with both Work and McCall et al. Applicants respectfully traverse these rejections based on the cited references.

Applicants respectfully disagree that Perell et al. in combination with the other cited references renders obvious any of the rejected claims. However, Applicants need not reach these issues because the cited Perell et al. reference has a priority date of December 4, 1999, which is after the date of invention of Applicants' patent application.

In Applicants' § 1.131 declarations, Applicants establish completion of the claimed subject matter in this application as of a date prior to December 4, 1999. Accordingly, the patent issued to Perrell et al. is not prior art to this application. As such, Applicants respectfully request removal of this reference as a basis for rejection.

The Examiner has also rejected claim 38 under 35 U.S.C. § 103(a) as being unpatentable over Mikurak, U.S. Patent No. 6,606,744, in combination with both Work and McCall et al. Applicants respectfully traverse these rejections based on the cited references.

Applicants respectfully disagree that Mikurak in combination with the other cited references renders claim 38 obvious. However, Applicants need not reach this issue because the

cited Mikurak reference has a priority date of November 22, 1999, which is after the date of invention of Applicants' patent application.

In Applicants' § 1.131 declarations, Applicants establish completion of the claimed subject matter in this application as of a date prior to November 22, 1999. Accordingly, the patent issued to Mikurak is not prior art to this application. As such, Applicants respectfully request removal of this reference as a basis for rejection, and the allowance of claim 38.

Applicants' § 1.131 declarations effectively eliminate the Work, McCall et al., Perrell et al., and Mikurak references as prior art. With the removal of these four references as prior art, each of the claims is in a condition for allowance.

Other references, including Speakman, U.S. Patent No. 5,991,741, and Joao, U.S. Patent No. 6,662,194, were cited under 35 U.S.C. § 103(a) to reject pending claims. Specifically, claims 8, 23, 24, 36, 55, and 56 were rejected. However, both Speakman and Joao were cited as secondary references in combination with both Work and McCall et al. The removal of Work and McCall et al. as prior art references removes the basis for rejecting these claims.

In sum, Applicants respectfully submit that all of the claims are allowable. The declaration of the assignee and joint inventors states that the conception of the claimed invention occurred prior to the effective date of each of the relevant cited references, and that conception was accompanied by due diligence prior to the filing date of those references and until a constructive or actual reduction to practice of at least as early as August 2, 2000. Therefore, Applicants respectfully submit that the relevant cited references are not prior art to the present application. As such, Applicants respectfully request reconsideration of the rejections under §§ 102 and 103, and accordingly request favorable action.

Amendment to Claim 1 and New Claims 57-59

Amended claim 1 now includes an additional element which is not taught or suggested in any of the cited prior art references. Amended claim 1 now includes, "selecting qualified positions and classifying the qualified positions with a special program designation." This element is novel and non-obvious over the cited prior art references. Support for this amendment

is located in the specification at Page 29, first paragraph. No new matter has been added by this amendment.

New claims 57-58 have been added to the pending claims. Each of the new claims includes novel and non-obvious features over the previously cited prior art. Among other things, the cited prior art does not teach or suggest a method of matching a potential positionee and a potential positioner comprising the step of, "a classifying a portion of the positions with a special program designation," as claimed in amended claim 57. New claim 58 also includes novel and non-obvious elements, and combinations of elements, which are not taught or suggested anywhere in the cited prior art. Support for new claims 57 and 58 can be found throughout the specification and drawings, and in particular, between pages 26 and 31 of the specification. No new matter has been added by these new claims.

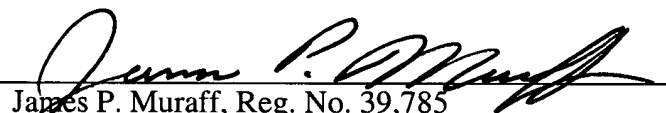
CONCLUSION

In view of these Amendments and Remarks, Applicants respectfully submit that each of the pending claims are patentable over the cited prior art, and are in a condition for allowance. Applicants respectfully request that the Examiner withdraw the rejections to each of the pending claims. In the event that any matter in the present application could be addressed by Examiner's Amendment, the Examiner is urged to contact the undersigned attorney.

Respectfully submitted,

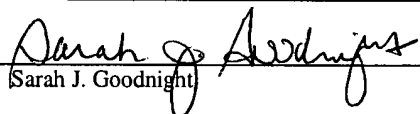
Dated: September 20, 2004

By:


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CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 20, 2004


Sarah J. Goodnight